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NOTES OF CASES.

Master and Servant—Assumption of Risk—Stopping Thrown Beer Glasses.—It is assumed that the glass mentioned in *State v. District Court*, 158 Northwestern Reporter, 713, was a beer glass because of its description as a "heavy drinking glass." Possibly the Supreme Court of Minnesota felt it could not take judicial notice that the utensil described was used as a container of the white-capped amber fluid which "sometimes cheers and oft inebriates."

The title of this article is not intended to convey the impression that the case cited is concerned with the duty of a bartender to save from harm glassware playfully or maliciously thrown about the saloon. The question involved is his right to recover damages from his employer for injuries received from a thrown glass. In the instant case it was shown that the man inflicting the injury was drunk, and not aware of his actions, so that defendant's contention that there had been a physical encounter was groundless. Judge Bunn delivered the opinion, of which the following is an excerpt:

"Did this accident 'arise out of' Tubbs' employment as bartender? Did this employment necessarily accentuate the natural hazard from assault to which all men are subject? In other words, did his employment cause a special degree of exposure to the risk? We have no hesitation in answering these questions in the affirmative. The court will take judicial notice that the position of bartender, patron, or spectator in a saloon, especially in one situated where rough characters are apt to congregate and carouse, is quite apt to be one of peculiar danger. Barroom assaults are not of infrequent occurrence. We had an illustration of one very recently in the case of *Lynch v. Brennan*, 131 Minn. 136, 154 N. W. 795, and illustrations might be multiplied indefinitely by reference to other decided cases."

A Billboard Ordinance Upheld by the Supreme Court of the United States.—In *Cusack Company v. City of Chicago* (January, 1917, 37 Sup. Ct. R. 190) the Supreme Court of the United States affirmed the decision of the Supreme Court of Illinois (267 Ill. 344), upholding the validity of a billboard ordinance of the City of Chicago. It was held that the erection of any billboard or signboard over twelve square feet in area in any block in which one-half of the building on both sides of the street are used exclusively for residence purposes, without first obtaining the written consent of the owners of a majority of the frontage on both sides of the street in such block, may be prohibited in the exercise of the State's police power, and such prohibition works no denial to a corporation engaged in outdoor advertising of either the due process of law or equal protection of the laws guaranteed by the Fourteenth Amend-